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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
COLLINS, GIOVANNA M

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,983	RADZIK, JOSEPH G.	
	Examiner	Art Unit	
	Giovanna M. Collins	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and14 recite the limitation "the lubricant" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recited the limitation "the dry powder" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Larsen et al. ('157).

Larsen et al. disclose (see Fig. 2) in a ferrous pipe coupling including a genially tubular, one piece gasket, a ferrous collar surrounding the gasket the collar including at least one axial split defining a pair of adjoining circumferential ends, and a fastener releasable securing together

the adjoining circumferential ends of the collar, the improvement including a coating of dry powder lubricant on at least an inner circumferential side of the gasket (see col. 6, lines 7-16).

Referring to claim 19, Larsen et al. disclose the improvement of claim 16 wherein the dry powder contains as a primary component, one of cornstarch, rice starch, potato starch, talc and magnesium silicate hydroxide (see col. 6, lines 7-16).

Referring to claim 20, Larsen et al. disclose the improvement of claim 16, wherein the dry powder lubricant coats all circumferential surfaces of the gasket (see col. 6, lines 7-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen et al. ('157).

Larsen do not disclose (see fig. 2) a lubricated ferrous pipe coupling gasket comprising a generally tubular, one piece, elastomeric member (3) with first and second axial open ends, the member being formed by a circumferential wall (at 4) and at least one circumferential flange (7), the flange extending at least generally inwardly at a separate one of the first and second axial open ends of the first and second axial open ends of the member the circumferential wall and the circumferential flange forming at least one circumferential channel on an inner circumferential

side of the member and a coating of dry powder lubricant on at least the inner circumferential side of the member (see col. 6, lines 7-16). Larsen et al. do not disclose two flanges. However, duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore it would be obvious to one skilled in the art to modify the gasket disclosed by Larsen et al. to have two flanges because duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Referring to claim 5, Larsen et al. disclose that dry powder contains as a primary component, one of cornstarch, rice starch, potato starch, talc and magnesium silicate hydroxide (see col. 6, lines 7-16).

4. Claims 2-3 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen et al. ('157) in view of Holt et al. ('597).

Larsen et al., as modified, discloses the gasket of claim 1 but does not disclose that the lubricant comprises an organic starch powder. Holt et al. teach that organic starch is a good dry lubricant (see col. 13, lines 3-15). Therefore it would be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Larsen et al. to use organic starch as taught by Holt et al. because organic starch is a good lubricant.

Referring to claim 3, Larsen et al., as modified, discloses the gasket of claim 1 but does not disclose that the lubricant consists essentially of organic starch powder. Holt et al. teach that organic starch is a good dry lubricant (see col. 13, lines 3-15). Therefore it would be obvious to

one skilled in the art at the time of the invention to modify the gasket disclosed by Larsen et al. to use organic starch as taught by Holt et al. because organic starch is a good lubricant.

Referring to claim 17, Larsen et al. disclose the improvement of claim 16 but do not disclose that the dry powder lubricant comprises an organic starch powder. Holt et al. teach that organic starch is a good dry lubricant (see col. 13, lines 3-15). Therefore it would be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Larsen et al. to use organic starch as taught by Holt et al. because organic starch is a good lubricant.

Referring to claim 18, Larsen et al. disclose the improvement of claim 16 but do not disclose that the dry powder lubricant consists essentially of organic starch powder. Holt et al. teach that organic starch is a good dry lubricant (see col. 13, lines 3-15). Therefore it would be obvious to one skilled in the art at the time of the invention to modify the gasket disclosed by Larsen et al. to use organic starch as taught by Holt et al. because organic starch is a good lubricant.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Pecht et al. ('918).

Dole et al. disclose (see Fig. 1) a ferrous pipe coupling comprising a ferrous collar (10) having an outer axially extending axially split circumferential wall (16) with at least one pair of adjoining circumferential ends (18) at the split; at least one fastener (22) releasably securing together the at least one pair of adjoining circumferential ends of the collar; a gasket (150) in the form of a generally tubular, one-piece elastomeric (see Fig. 5, at 32) member positioned in the collar and having an exposed inner circumferential side exposed in the collar. Dole et al. do

disclose that the gasket is lubricated (see col. 5, line 18) but do not disclose a dry powder lubricant is used on the gaskets. Pecht et al. teach that dry lubricants can be used on sealing members (see col. 4, lines 25-34). Therefore it would be obvious to one skilled in the art to modify the gasket disclosed by Dole et al. to used a dry lubricant as taught by Pecht et al. because dry lubricant powders can be used to lubricated sealing elements.

Referring to claim 6, Dole et al. disclose the ferrous pipe coupling of claim 5, wherein the ferrous collar (16) includes a pair of at least generally radially inwardly extending circumferential flanges (see Fig. 4 at 30), each flange being located at a separate end of the circumferential wall the pair of flanges and the circumferential wall forming a circumferential channel (see Fig. 5, at 32) on an inner circumferential side of the collar and wherein the gasket (32) is positioned in the channel.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. (450) in view of Pecht et al. (918) as applied to claim 5 above, and further in view of Holt et al. ('597).

Dole et al., as modified, disclose the coupling of claim 5. Dole et al., as modified, does not disclose the lubricant comprises an organic starch powder. Holt et al. teach that organic starch is a good dry lubricant (see col. 13, lines 3-15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the coupling disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch is a good lubricant.

Referring to claim 8, Dole et al., as modified, disclose the coupling of claim 5. Dole et al., as modified, does not disclose that the dry powder lubricant consists essentially of organic

starch powder. Holt et al. teach that organic starch is a good dry lubricant (see col. 13, lines 3-15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the coupling disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch is a good lubricant.

Referring to claim 9, Dole et al., as modified, disclose the coupling of claim 5. Dole et al., as modified, does not disclose wherein the dry powder contains as a primary component, one of cornstarch, rice starch, potato starch, and talc and magnesium silicate hydroxide. Holt et al. teach that organic starches are a good dry lubricant (see col. 13, lines 3-15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the coupling disclosed by Dole et al. to use organic starch as taught by Holt et al. because organic starch is a good lubricant.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. (450) in view of Pecht et al. (918) and Holt et al. ('597).

Dole et al. disclose (see Fig. 1) a ferrous piping system comprising a plurality of ferrous piping components (see col. 1, lines 4-11) and at least one ferrous pipe coupling (10) mechanically and fluidly joining together ends of a pair of the piping components at a joint; the ferrous pipe coupling including a ferrous collar (16) having an outer, axially extending and axially split circumferential wall and at least one pair of adjoining circumferential ends (18) at the split; the ferrous pipe coupling further including a gasket (see Fig. 5, 32) in the form of a generally tubular one piece elastomeric member having an inner circumferential side sealingly mounted on the ends of the pair of piping components and surrounded by the collar; the ferrous

pipe coupling further including at least one fastener (22) releasably securing together a pair of adjoining circumferential ends of the collar so as to compress the gasket and the collar on the ends of the pair of piping components. Dole et al. do disclose that the gasket is lubricated (see col. 5, line 18) but do not disclose a coating of cornstarch powder is put on the gasket. Pecht et al. teach that dry lubricants can be used on sealing members (see col. 4, lines 25-34). Holt et al. teach that organic starches are a good dry lubricant (see col. 13, lines 3-15). Therefore it would be obvious to one skilled in the art at the time of the invention to further modify the coupling system disclosed by Dole et al. to use corn starch as a lubricant as taught by Pecht et al. and Holt et al. because dry lubricants can be used on sealing elements and corn starch is a good dry lubricant.

8. Claims 11, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. (450) in view of Pecht et al. (918) and Holt et al. ('597) as applied to claim 10 above, and further in view of Sisk ('465).

Dole et al., as modified, disclose the pipe system of claim 10. Dole et al., as modified, does not disclose a one-way valve and a potable water supply. Sisk teaches that the pipe coupling can be used for transferring all types of fluid material and to secure valves to piping components (see Abstract). Therefore it would be obvious to further modify the piping system of Dole et al. to include a potable water supply and a one valve to supply water from the water supply to the piping components as taught by Sisk because the pipe coupling can be used for transferring all types of fluid material and to secure valves to piping components.

Referring to claim 14, Holt et al. teach a lubricant that comprises an organic starch powder (see col. 13, lines 3-15).

Referring to claim 15, Holt et al. teach a lubricant that consists essentially of organic starch powder (see col. 13, lines 3-15).

9. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. (450) in view of Pecht et al. (918) and Holt et al. ('597) Sisk ('465) and as applied to claim 11 above, and further in view of Dole ('907).

Dole et al., as modified, disclose the pipe system of claim 11. Dole et al., as modified, does not disclose that one of the pipe components is a fitting with a fire sprinkler. Dole discloses (see Fig.2) that the pipe coupling can be used to couple a pipe to a fitting that is connected to a fire sprinkler. Therefore it would be obvious to further modify the pipe system disclosed by Dole et al. to include a fitting coupling with a fire sprinkler as taught by Dole because a pipe coupling can be used to couple a piping component to a fitting that is connected to a fire sprinkler.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 703-306-5707. The examiner can normally be reached on 7:30-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

gmc
July 15, 2002

Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670